

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8942 of 1995

ISHWARBHAI MOTIRAM PATEL

Versus

STATE OF GUJARAT

Appearance:

M/S THAKKAR ASSOC. for Petitioner

MR MUKESH PATEL AGP for Respondent No. 1, 2

CORAM : MR.JUSTICE Y.B.BHATT

Date of decision: 16/08/1999

ORAL JUDGEMENT

1. This petition arises from orders passed under the provisions of the Urban Land (Ceiling & Regulation) Act, 1976.

2. It is common ground on both sides that the State of Gujarat adopted the Urban Land (Ceiling & Regulation) Repeal Act, 1999 on 30th March, 1999.

3. It is also common ground on both sides that by virtue of section 4 of the Repeal Act, all proceedings pending on the said date shall abate.

4. It is so found and accordingly held, and the present petition is disposed off accordingly.

5. Learned AGP states on instructions that the State of Gujarat will abide by the Circular issued by the State Government in the Revenue Department No. ULC/1099-602/V1 dated 15th April, 1999.

6. Rule is accordingly discharged with no order as to costs. Interim relief, if any, stands vacated.

7. I may merely observe from the record of the present petition that the respondents have not filed any

affidavit-in-reply, that the impugned order passed by the authority in a revision under section 34 of the Act of 1976 has been stayed by ad interim relief granted in the present petition, coupled with a condition that the petitioner shall not transfer in any manner the subject matter of this petition during the pendency of this petition without the leave of this Court. The parawise remarks furnished to the learned counsel for the respondents, and made available to the Court also indicate that the petitioner appears to be in possession of the property in question. It is however clarified that these are mere observations on the basis of the record of the present petition, and are not to be construed as findings of fact upon any question of fact in controversy between the parties.

(Y.B. BHATT, J.)

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